

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMUSEMENT INDUSTRY, INC., a
California corporation dba WESTLAND
INDUSTRIES; PRACTICAL FINANCE CO.,
INC., a California corporation,

Plaintiffs,

v.

MOSES STERN, an individual aka MARK
STERN; JOSHUA SAFRIN, an individual;
FIRST REPUBLIC GROUP REALTY LLC, a
Delaware limited liability company;
EPHRAIM FRENKEL, an individual; LAND
TITLE ASSOCIATES ESCROW, a New York
limited liability company,

Defendants.

07-CV-11586 (UA)

**AFFIDAVIT OF SERVICE OF
SUMMONS AND COMPLAINT UPON
DEFENDANT MOSES STERN**

STATE OF NEW YORK)
)ss.:
COUNTY OF ROCKLAND)

JOHN OBIE, being duly sworn, hereby deposes and says:

1. I am a process server for Guaranteed Subpoena Service, Inc. I am over 18 years of age and not a party to this litigation. Except where otherwise stated, I have personal knowledge of the facts set forth herein.

2. At approximately 7:30 PM on Thursday, December 27, 2007, I attempted to serve a Summons and Complaint in the above-captioned action upon defendant Moses Stern, an individual a/k/a Mark Stern ("Stern") at 39 Remsen Avenue, Monsey, New York 10952, which previously was identified to me as Stern's home address. At the residence, I observed

that lights were on in the house, and that two automobiles were parked in the driveway. However, no one answered the door to accept service. I waited one hour and attempted service again at approximately 8:30 PM. Again, no one answered the door.

3. At approximately 7:00 AM on Friday, December 28, 2007, I returned to Stern's home address at 39 Remsen Avenue again to attempt service on Stern. At the residence, Mr. Stern's wife was home but refused to open the door to accept service.

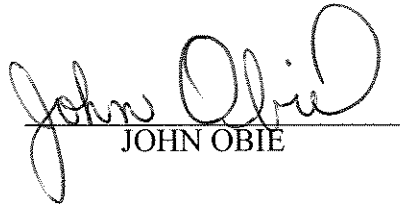
4. At approximately 8:30 AM on Friday, December 28, 2007, I went to the offices of First Republic Group, at 25 Robert Pitt Drive, Monsey, New York 10952, which previously had been identified to me as Stern's actual place of business. First Republic Group refused to speak to me through an intercom on the door and refused to allow me access to the building.

5. At approximately 4:30 PM on Friday, December 28, 2007, I returned to Stern's residence. At the time, I observed (i) an automobile in the driveway (which had been there in the morning), (ii) lights on in the home, and (iii) people present in the home. Although I knocked on the door several times, no one would come to the door or otherwise acknowledge my presence. I waited at the residence and reattempted service at approximately 5:15 PM. Again, no one would come to the door.

6. At approximately 6:15 PM on Wednesday, January 2, 2008, I returned to Stern's home at 39 Remsen Avenue. Although I again observed people in the home, no one came to the door. Accordingly, I affixed the Summons and Complaint to the door of Stern's home.

7. Thereafter, on January 3, 2008, I caused copies of the Summons and Complaint herein to be sent via first class mail addressed to Stern at (i) his actual place of

business, First Republic Group, 25 Robert Pitt Drive, Monsey, New York 10952, and (ii) his last known residence, 39 Remsen Avenue, Monsey, New York 10952. The papers were mailed in a plain, unmarked envelope bearing the label "Personal and Confidential," and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against Stern.


JOHN OBIE

Sworn to before me this
7 day of January, 2008.


Notary Public

DONNA M. CIULLO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Aug. 28, 2008